



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/316,033	05/21/1999	KOUKI HATAKEYAMA	0879-0234P	7274

2292 7590 01/16/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

GENCO, BRIAN C

ART UNIT PAPER NUMBER

2615

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/316,033

Applicant(s)

HATAKEYAMA, KOUKI

Examiner

Brian C Genco

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 8, 10, 11-13, 15-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by (USPN 5,091,787 to Watanabe et al).

In regards to claim 1 Watanabe et al, herein Watanabe, discloses an “imaging part” (elements 30 and 43 of Fig. 5), an “external storage medium,” or memory cartridge (element 20 of Fig. 5), a “connector” (element 14 of Fig. 1), a power supply part, or power supply circuit (element 50 of Fig. 5), a “master switch” (element 49 of Fig. 5), a “detector,” or limit switch (element 16 of Fig. 1) or connection sensing circuit (element 60 of Fig. 5), and a “controller,” or system controller (element 11 of Fig. 5; column 15, line 64 – column 16 line 44).

In regards to claim 2 see examiners notes on the rejection of claim 1. Note column 15, line 64 – column 16 line 44.

In regards to claims 4 and 5 see examiners notes on the rejection of claim 1.

In regards to claim 7 Watanabe discloses a recess with a limiting switch to detect if the memory card is in the recess (column 5, lines 43-54).

In regards to claim 8 see examiners notes on the rejection of claim 7. Watanabe discloses a “configuration having an automatic loading mechanism which loads the memory cartridge automatically (column 7, lines 37-41),” or a chamber mechanism, wherein based on the loading

Art Unit: 2615

or ejecting of the memory card the limiting switch disposed in the recess, or "chamber," is tripped thus detecting the presence of the memory card, or "the detector detects the detachment and attachment of the external storage medium by detecting operations of the chamber mechanism."

In regards to claim 10 Watanabe discloses using a time period to check whether or not the memory card is attached properly, (column 9, lines 42-46; column 7, lines 30-37).

In regards to claim 11 see examiners notes on the rejection of claim 1.

In regards to claim 12 see examiners notes on the rejection of claim 2.

In regards to claim 13 see examiners notes on the rejection of claim 8.

In regards to claim 15 see examiners notes on the rejection of claim 10.

In regards to claim 16 see examiners notes on the rejection of claim 11.

In regards to claim 17 see examiners notes on the rejection of claim 12.

In regards to claim 18 see examiners notes on the rejection of claim 13.

In regards to claim 20 see examiners notes on the rejection of claim 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2615

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 6, 9, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,091,787 to Watanabe et al) in view of (JP 02077815 A to Matsumoto).

In regards to claim 3 Watanabe does not disclose the use of a lid over the memory card chamber. Matsumoto discloses using a lid, wherein it is very well known and established to use a lid or some other locking mechanism in order to prevent the memory card from detaching unintentionally. Matsumoto also discloses turning off the power supply upon the detection that the lid is open, or when the "storage medium starts being detached." Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added Matsumoto's lid, lid detection, and power termination when the lid is open in Watanabe's invention in order to ensure that the memory card does not unintentionally become detached.

In regards to claim 6 see examiners notes on the rejection of claim 3.

In regards to claim 9 see examiners notes on the rejection of claims 1 and 3.

In regards to claim 14 see examiners notes on the rejection of claim 9.

In regards to claim 19 see examiners notes on the rejection of claim 14.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(USPN 5,179,505 to Matsuo)

(USPN 5,805,219 to Ejima et al)

Art Unit: 2615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:00am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center 2600 customer service office whose telephone number is 703-306-0377.

Brian C Genco
Examiner
Art Unit 2615



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600